

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CV-541-D

JOSEPH PIRELA,
)
Plaintiff,
)
v.
)
ILEANA ROS-LEHTINEN, et al.,
)
Defendants.
)

ORDER

On October 25, 2017, Joseph Pirela (“Pirela” or “plaintiff”) filed a motion to proceed in forma pauperis [D.E. 1] and a proposed complaint [D.E. 1-1]. On October 31, 2017, the court referred the motion to United States Magistrate Judge Jones for a frivolity review [D.E. 9]. On November 2, 2017, plaintiff filed a motion for discovery [D.E. 11]. On November 6, 2017, plaintiff filed a motion for contempt [D.E. 17]. On November 13, 2017, Magistrate Judge Jones issued a Memorandum and Recommendation (“M&R”) [D.E. 21] and recommended that plaintiff’s application to proceed in forma pauperis be denied and that the complaint be dismissed as frivolous [D.E. 21].

On November 13, 2017, plaintiff moved to stop the racketeering of an ex-police officer [D.E. 22] and filed a notice of appeal [D.E. 23]. On November 14, 2017, plaintiff filed a response and objections to the M&R [D.E. 25]. On November 16, 2017, plaintiff moved to proceed using prostitutes [D.E. 26] and filed a second objection to the M&R [D.E. 27]. On November 20, 2017, plaintiff submitted a memorandum arguing that federal prosecutors cannot use fraud to enforce a state or federal prosecution [D.E. 28] and filed a notice of documents sent to Virginia and Florida courts [D.E. 29].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and plaintiff’s objections. As for those portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear error on the face of the record.

As for the objections, the court has reviewed the objections and the M&R de novo. Plaintiff’s objections are baseless and delusional and are overruled. As for plaintiff’s other motions [D.E. 11, 17, 22, 26], the motions are baseless and delusional and are denied.

In sum, plaintiff’s application to proceed in forma pauperis [D.E. 1] is GRANTED, and plaintiff’s complaint is DISMISSED as frivolous. Plaintiff’s other motions [D.E. 11, 17, 22, 26] are DENIED. The clerk shall close the case.

SO ORDERED. This 14 day of December 2017.



JAMES C. DEVER III
Chief United States District Judge